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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 SHAUN TAYLOR,

8 Plaintiff,

Case No. 2:18-cv-01264-KJD-VCF

ORDER

9 v.

10 CLARK COUNTY SCHOOL DISTRICT, *et al*,

11 Defendants.

12 Presently before the Court is Defendants' Motion to Dismiss (#40). Plaintiff filed a  
13 response in opposition (#41) to which Defendants replied (#43).

14 On June 11, 2019, the Court granted (#36) Defendants' first motion to dismiss. The Court  
15 found that Plaintiff had failed to meet the filing deadline on her Title VII claims and that the state  
16 law claims lacked foundation. However, Defendants had not moved to dismiss Plaintiff's Family  
17 Medical Leave Act ("FMLA") claim and the Court granted Plaintiff leave to amend the  
18 dismissed state law claims.<sup>1</sup> On July 2, 2019, Plaintiff filed the present First Amended  
19 Complaint (#39), but did not include the FMLA claim. The First Amended Complaint did reassert  
20 the claims for defamation and intentional infliction of emotional distress against Defendant Keith  
21 France.

22 Absent the federal claims, the Court no longer has original jurisdiction and only exercises  
23 supplement jurisdiction over the remaining state law claims. See 28 U.S.C. § 1367(a). The Court  
24 may decline to exercise supplemental jurisdiction over remaining state law claims when the only  
25 federal claims are extinguished. See 28 U.S.C. § 1367(c)(3); Parra v. PacifiCare of Az., Inc., 715  
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28 <sup>1</sup> Before filing the amended complaint in the present action, Defendant filed a new and separate complaint for retaliation on June 12, 2019 based on a right-to-sue letter received on March 13, 2019. See Taylor v. CCSD, 2:19-cv-00999-GMN-EJY (D. Nev. June 12, 2019).

1 F.3d 1146, 1156 (9th Cir. 2013). Therefore, the Court declines to exercise supplemental  
2 jurisdiction over the state law claims and, given that they were originally filed in this court, *sua*  
3 *sponte* dismisses them without prejudice.

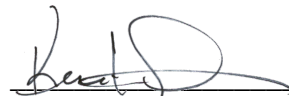
4 Accordingly, IT IS HEREBY ORDERED that Defendants' Motion to Dismiss (#40) is  
5 **DENIED without prejudice;**

6 IT IS FURTHER ORDERED that Plaintiff's remaining claims for defamation and  
7 intentional infliction of emotional distress against Defendant Keith France are **DISMISSED**  
8 **without prejudice;**

9 IT IS FURTHER ORDERED that the Clerk of the Court enter **JUDGMENT** for  
10 Defendants Clark County School District and Keith France and against Plaintiff on Plaintiff's  
11 Title VII claims for racial discrimination and retaliation and Plaintiff's state law claim for abuse  
12 of process;

13 IT IS FINALLY ORDERED that the Clerk of the Court close this case.

14 Dated this 20<sup>th</sup> day of March, 2020.

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17 Kent J. Dawson  
18 United States District Judge  
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